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HOUSE BILL 1013

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Daniel P. Silva

AN ACT

RELATING TO COMMITTEES; ELIMINATING THE INTERAGENCY
COORDINATING GROUP, THE STATE PROCUREMENT STANDARDS AND
SPECIFICATIONS COMMITTEE, THE DEPARTMENT OF TRANSPORTATION
SELECTION COMMITTEE, THE TRAFFIC SAFETY BUREAU ADVISORY
COMMITTEE AND THE RANGELAND PROTECTION ADVISORY COMMITTEE;
TERMINATING THE SECRETARY OF LABOR'S POWER TO CREATE ADVISORY
COMMITTEES; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 13-1-120 NMSA 1978 (being Laws 1984,
Chapter 65, Section 93, as amended) is amended to read:

"13-1-120. COMPETITIVE SEALED QUALIFICATIONS-BASED
PROPOSALS--ARCHITECTS--ENGINEERS--LANDSCAPE ARCHITECTS--
SURVEYORS--SELECTION PROCESS.--

A. For each proposed state public works project,

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1 local public works project or construction management contract,
2 the architect, engineer, landscape architect, construction
3 management and surveyor selection committee [~~state highway and~~
4 ~~transportation department selection committee~~] or local
5 selection committee, as appropriate, shall evaluate statements
6 of qualifications and performance data submitted by at least
7 three businesses in regard to the particular project and may
8 conduct interviews with and may require public presentation by
9 all businesses applying for selection regarding their
10 qualifications, their approach to the project and their ability
11 to furnish the required services.

12 B. The appropriate selection committee shall
13 select, ranked in the order of their qualifications, no less
14 than three businesses deemed to be the most highly qualified to
15 perform the required services, after considering the following
16 criteria, together with any criteria, except price, established
17 by the using agency authorizing the project:

18 (1) specialized design and technical
19 competence of the business, including a joint venture or
20 association, regarding the type of services required;

21 (2) capacity and capability of the business,
22 including any consultants, their representatives,
23 qualifications and locations, to perform the work, including
24 any specialized services, within the time limitations;

25 (3) past record of performance on contracts

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1 with government agencies or private industry with respect to
2 such factors as control of costs, quality of work and ability
3 to meet schedules;

4 (4) proximity to or familiarity with the area
5 in which the project is located;

6 (5) the amount of design work that will be
7 produced by a New Mexico business within this state;

8 (6) the volume of work previously done for the
9 entity requesting proposals which is not seventy-five percent
10 complete with respect to basic professional design services,
11 with the objective of effecting an equitable distribution of
12 contracts among qualified businesses and of assuring that the
13 interest of the public in having available a substantial number
14 of qualified businesses is protected; provided, however, that
15 the principle of selection of the most highly qualified
16 businesses is not violated; and

17 (7) notwithstanding any other provisions of
18 this subsection, price may be considered in connection with
19 construction management contracts, unless the services are
20 those of an architect, engineer, landscape architect or
21 surveyor.

22 C. Notwithstanding the requirements of Subsections
23 A and B of this section, if fewer than three businesses have
24 submitted a statement of qualifications for a particular
25 project, the appropriate committee may:

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1 (1) rank in order of qualifications and submit
2 to the secretary or local governing authority of the public
3 body for award those businesses [~~which~~] that have submitted a
4 statement of qualifications; or

5 (2) recommend termination of the selection
6 process pursuant to Section 13-1-131 NMSA 1978 and sending out
7 of new notices of the resolicitation of the proposed
8 procurement pursuant to Section 13-1-104 NMSA 1978. Any
9 proposal received in response to the terminated solicitation is
10 not public information and shall not be made available to
11 competing offerors.

12 D. The names of all businesses submitting proposals
13 and the names of all businesses, if any, selected for interview
14 shall be public information. After an award has been made, the
15 appropriate selection committee's final ranking and evaluation
16 scores for all proposals shall become public information.
17 Businesses [~~which~~] that have not been selected for contract
18 award shall be so notified in writing within fifteen days after
19 an award is made."

20 Section 2. Section 13-1-121 NMSA 1978 (being Laws 1984,
21 Chapter 65, Section 94, as amended) is amended to read:

22 "13-1-121. COMPETITIVE SEALED QUALIFICATIONS-BASED
23 PROPOSALS--ARCHITECTS--ENGINEERS--LANDSCAPE ARCHITECTS--
24 SURVEYORS--SELECTION COMMITTEE--STATE PUBLIC WORKS PROJECTS.--

25 A. The "architect, engineer, landscape architect

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1 and surveyor selection committee" is created. The committee,
2 which shall serve as the selection committee for state public
3 works projects, except for highway projects of the [~~state~~
4 ~~highway and transportation~~] department of transportation, is
5 composed of four members as follows:

6 (1) one member of the agency for which the
7 project is being designed;

8 (2) the director of the property control
9 division of the general services department, who shall be
10 chairman;

11 (3) one member designated by the architect-
12 engineer-landscape architect joint practice committee; and

13 (4) one member designated by the secretary.

14 B. The staff architect or his designee of the
15 property control division shall serve as staff to the
16 architect, engineer, landscape architect and surveyor selection
17 committee.

18 C. The members of the architect, engineer,
19 landscape architect and surveyor selection committee shall be
20 reimbursed by the property control division for per diem and
21 mileage in accordance with the provisions of the Per Diem and
22 Mileage Act.

23 [~~D. The state highway and transportation department~~
24 ~~shall create a selection committee by rule, after notice and~~
25 ~~hearing, which shall serve as the selection committee for~~

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1 ~~highway projects of the department.]"~~

2 Section 3. Section 66-7-503 NMSA 1978 (being Laws 1978,
3 Chapter 35, Section 490, as amended) is amended to read:

4 "66-7-503. DEFINITIONS.--As used in the Traffic Safety
5 Act:

6 A. "bureau" means the traffic safety bureau of the
7 department;

8 B. "chief" means the administrative head of the
9 bureau;

10 ~~[C. "committee" means the advisory committee to the
11 bureau; and~~

12 ~~D.]~~ C. "department" means the ~~[state highway and
13 transportation]~~ department of transportation."

14 Section 4. Section 66-7-511 NMSA 1978 (being Laws 1978,
15 Chapter 35, Section 498) is amended to read:

16 "66-7-511. ACCEPTANCE OF GIFTS ~~[FUNCTION OF ADVISORY
17 COMMITTEE].--~~~~[A.]~~ The bureau, with the approval of the
18 governor, may accept on behalf of ~~[the]~~ this state any gift,
19 grant or money given to the bureau for any and all purposes
20 specified in the Traffic Safety Act. Any special grant shall
21 be held by the state treasurer in a special fund and shall be
22 expended in accordance with the terms of the gift or grant upon
23 proper voucher and warrant drawn by the director ~~[of]~~ or his
24 designated agent.

25 ~~[B. The advisory committee, upon the call of the~~

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1 ~~chairman, shall convene and shall undertake the study and~~
2 ~~evaluation of all applications for federal grants pertaining to~~
3 ~~traffic safety programs or affairs. The advisory committee~~
4 ~~shall make its findings and recommendations available to the~~
5 ~~chief in the form of minutes or written report, whereupon the~~
6 ~~committee shall adjourn awaiting the call of the chair.]"~~

7 Section 5. Section 76-7B-1 NMSA 1978 (being Laws 1985,
8 Chapter 53, Section 1) is amended to read:

9 "76-7B-1. SHORT TITLE.--~~[This act]~~ Chapter 76, Article 7A
10 NMSA 1978 may be cited as the "Rangeland Protection Act"."

11 Section 6. Section 76-7B-3 NMSA 1978 (being Laws 1985,
12 Chapter 53, Section 3) is amended to read:

13 "76-7B-3. DEFINITIONS.--As used in the Rangeland
14 Protection Act:

15 ~~[A. "committee" means the rangeland protection~~
16 ~~advisory committee;~~

17 ~~B.]~~ A. "department" means the New Mexico department
18 of agriculture;

19 ~~[C.]~~ B. "protection" means the control or
20 management of undesirable brush or other weed species and any
21 associated management program or activity necessary to enhance
22 successful restoration of the treated rangeland intended to
23 restore production of forage, change vegetative composition,
24 conserve the soil by stabilizing soil and water conditions or
25 provide habitat for livestock and wildlife. The term shall be

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1 so interpreted as to emphasize an integrated management
2 approach to rangeland protection; and

3 ~~[D-]~~ C. "rangeland" means land that is not
4 cultivated and is used primarily for grazing of domestic
5 livestock and wildlife in addition to being a source of wood
6 products and water."

7 Section 7. REPEAL.--Sections 9-2A-13, 9-18-13, 13-1-162,
8 13-1-163, 66-7-505 and 76-7B-5 NMSA 1978 (being Laws 1992,
9 Chapter 57, Section 13, Laws 1987, Chapter 342, Section 13,
10 Laws 1984, Chapter 65, Sections 135 and 136, Laws 1978, Chapter
11 35, Section 492 and Laws 1985, Chapter 53, Section 5, as
12 amended) are repealed.